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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/754,903	01/04/2001	William Joshua Price	M-8502 US	3943

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DAVID C. HSIA  
PATENT LAW GROUP LLP  
2635 NORTH FIRST STREET  
SUITE 223  
SAN JOSE, CA 95134-2049

EXAMINER

PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/754,903

Applicant(s)

PRICE, WILLIAM JOSHUA

Examiner

Raymond Phan

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6,7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,7,9-11 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on April 13, 2004.
2. This application has been examined. Claims 1-4, 6-7, 9-15 are pending.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6 and 12, are rejected under 35 U.S.C. § 102(e) as being anticipated by Berglund et al. (US No. 6,199,130) in view of Byers et al. (US No. 5,422,915).

In regard to claims 1, 12, Berglund et al. disclose a disk enclosure comprising a first bus (104A) coupled to the plurality of elements 105A (see figure 1, col. 4, line 57 through col. 5, line 56); a second bus 104C coupled to the plurality of elements 105B (see figure 1, col. 4, line 57 through col. 5, line 56); a first controller 107 coupled to the third bus (see figure 1, col. 4, line 57 through col. 5, line 56); and a first multiplexer 106 operable to selectively coupled the first or the second bus to the third bus so the first controller can communicate with the first or the second plurality of elements (see figure 1, col. 4, line 57 through col. 5, line 56). But Berglund et al. do not specifically disclose the plurality of elements powered

by the first power domain and second power domain. However Byers et al. disclose the plurality of circuits powered by the first power domain and second power domain (see figure 5, col. 10, line 35 through col. 11, line 18). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Byers et al. within the system of Berglund et al. because it would allow concurrent maintenance of PCI based DASD.

In regard to claim 2, Berglund et al. disclose wherein the first, the second, the third buses are I2C buses (see figure 1, col. 4, line 57 through col. 5, line 56).

In regarding of claims 3, 6, even though the teachings of Berglund et al. do not specifically disclose the elements 43-48 as the first temperature sensor, memory, backplane controller, however one skilled in the art would have understood that they can choose to implement different type of elements to fulfill their need.

#### ***Allowable Subject Matter***

5. Claims 4, 7, 9-11, 13-15 are allowed over the prior arts of records.

#### ***Response to Amendment***

6. Applicant's amendment and arguments, see pages 3-14, filed on April 13, 2004, with respect to the rejections of claims 1-3, 6, 12 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Berglund et al.

#### ***Conclusion***

7. Claims 1-3, 6, 12 are rejected. Claims 4, 7, 9-11, 13-15 are allowed.

Art Unit: 2111

8. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure.

**Berglund et al. (US No. 6,351,819)** disclose a heterogeneous system enclosure service connection.

**Cheselka et al. (US No. 5,754,804)** disclose a method and system for managing system bus communications in a data processing system.

**Byers et al. (US No. 5,664,089)** discloses a method and apparatus for enhancing fibre channel loop resiliency for a mass storage enclosure by increasing component redundancy and using shunt elements and intelligent bypass management.

**Ray (US No. 4,220,876)** discloses a bus terminating and decoupling circuit.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (703) 306-2756. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (703) 305-9656 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 746-7239.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

RR



PAUL R. MYERS  
PRIMARY EXAMINER

**Raymond Phan**  
10/14/04